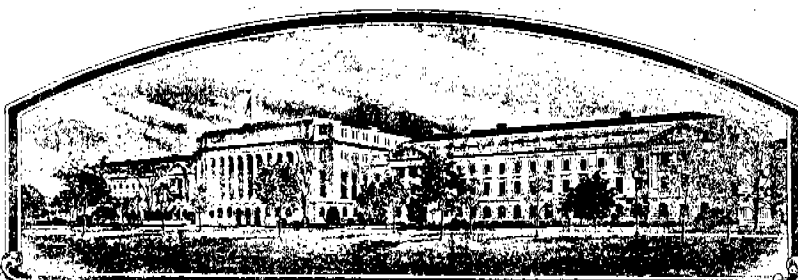


No.

76TQ018



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Joseph Harris Company, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT OF 1942, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MARIGOLD

'Cabaret Orange'

In Testimony Whereof, I have hereunto set
my hand and caused the seal of the Plant
Variety Protection Office to be affixed
at the City of Washington
this 28th day of September in
the year of our Lord one thousand nine
hundred and seventy-seven

Attest:

J. D. Rollin
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

B. B. Dwyer
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
PLANT VARIETY PROTECTION OFFICE
NATIONAL AGRICULTURAL LIBRARY
BELTSVILLE, MARYLAND 20705

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. TEMPORARY DESIGNATION OF VARIETY VARIETY 72MASD8D		1. VARIETY NAME CABARET ORANGE Gypsy Orange R/S		TABLE FOR OFFICIAL USE ONLY FV NUMBER 76TQ018	
2. KIND NAME Marigold	3. GENUS AND SPECIES NAME Tagetes Patula	FILING DATE 9.16.76	TIME 11:45 A.M.	FEE RECEIVED FOR 250.00 250.00	
4. FAMILY NAME (BOTANICAL) Compositae		5. DATE OF DETERMINATION 10/1/74		6. DATE 9-16-76 10-18-76	
6. NAME OF APPLICANT(S) Joseph Harris Company, Inc.		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 3670 Buffalo Rd., Moreton Farm Rochester, N.Y. 14624		8. TELEPHONE AREA CODE AND NUMBER (716) 594-9411	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION New York		11. DATE OF INCORPORATION 1927	
12. Name and mailing address of applicant/representative(s), if any, to serve in this application and receive all papers: Bo Egholm Joseph Harris Co., Inc. 3670 Buffalo Road Rochester, New York 14624					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed?
(See Section 83(a). (If "Yes," answer 14B and 14C below.) YES ☐ NO ☒

14B. Does the applicant(s) specify that this variety be limited as to number of generations?

☐ YES ☐ NO

14C. If "Yes" to 14B, how many generations of production beyond breeder seed?

☐ FOUNDATION☐ REGISTERED☐ CERTIFIED

15. Does the applicant(s) agree to the publication of his/her (their) name(s) and address in the Official Journal?

☒ YES☐ NO

16. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

September 10, 1976
(DATE)Bo Egholm
(SIGNATURE OF APPLICANT)
Joseph Harris, Pres.
(SIGNATURE OF APPLICANT)

00001

(DATE)

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, National Agricultural Library, Beltsville, Maryland 20705. (See Section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

15

Give the date the applicant determined that he had a new variety based on (1) the definition in Section 41(a) of the Act and (2) the date a decision was made to increase the seed.

13a

Give (1), the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2), the details of subsequent stages of selection and multiplication; (3), the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4), evidence of stability.

13b

Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties; (1) identify these varieties and state all differences objectively; (2) Attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

13c

Fill in the Exhibit C, Objective Description form for all characteristics, for which you have adequate data.

13d

Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more about the description of characteristics that are difficult to describe; such as; plant habit, plant color, disease resistance, etc.

14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled or published or the certificate has been issued. However, if the applicant specifies "NO", he may change his choice. (See Section 180.15 of the Regulations and Rules of Practice.)

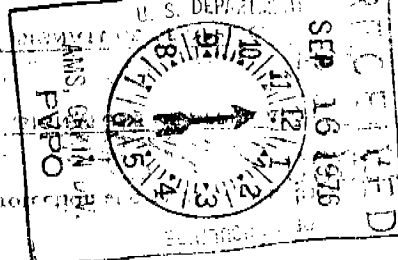


EXHIBIT A'CABARET ORANGE'

The breeding history of [72MASD8D] began in 1966 when a single plant selection was made with a marigold variety which was called 'Sparky'. This seed was from the originator's seed lot (Decker).

In 1967, five red and orange palnts were selected and placed in the greenhouse for isolation.

In 1968, one large flowered red and light orange plant was picked out and isolated.

In 1969, a large flowered light orange plant with button type flowers was selected.

In 1970 the line was uniform for button type flowers, but segretated 6% red and light orange.

In 1971 the line was uniform for light orange color and flower type.

In 1972 the line was planted for stock seed increase and rechecked for purity.

QUOTED FROM BO EGHOLM'S LETTER OF JULY 27, 1977.
 "THE MARIGOLD LINE 72MASD8D ('CABARET ORANGE') HAS
 BEEN REPRODUCED AND IN STOCK SEED INCREASE EVERY YEAR
 SINCE 1971 AND HAS NOT SHOWN ANY OFF TYPES."

RJS

EXHIBIT B, REVISED

~~CABARET ORANGE~~
MARIGOLD APPLICATION NO. 76TQ018, "~~GYPSY ORANGE~~"

'CABARET ORANGE'

72MASD8D, '~~Gypsy Orange~~' is a French type marigold. 12 - 14 inches tall, easily distinguishable by its compact, multibranched and very free flowering habit. Foliage is dark green, flowers are golden orange, globular shaped and as large as 'Orange Nugget'. "~~Gypsy~~ '~~CABARET~~ Orange' is exceptional for its early flowering in the flat, ('Gypsy Sunshine' season), abundance of flowers when transplanted outside.

~~'CABARET ORANGE' FLOWER HEADS ARE OF THE SEMI-CRESTED TYPE.~~ R/S
~~On 'Gypsy Orange', two different flower types can be found on the same plant: the semi-crested type and the full double type. The triploid marigold 'Orange Nugget' from Burpee, would be the only marigold on the market today that has the closest resemblance to 'Gypsy Orange'. Both varieties are comparable for earliness, plant height, flower size, flower color, flower types and overall performance in comparable field trials.~~

CABARET

The big difference between the two varieties is: '~~Gypsy Orange~~' being an open pollinated French type against 'Orange Nugget' being a triploid F1 hybrid.

In regard to Exhibit D, Please use the original description.

CORRECTION ACCORDING TO BO ECHOLM'S LETTER OF JAN. 31, 1977

" A GENETIC PLANT CHARACTER DIFFERENCE BETWEEN
'CABARET ORANGE' AND 'ORANGE NUGGET' COULD BE THAT - - -
'ORANGE NUGGET' WILL NOT SET SEED BECAUSE IT IS
A TRIPLOID "

76TQ018

FORM GR-470-9
(9-15-72)UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782EXHIBIT C
(Marigold)OBJECTIVE DESCRIPTION OF VARIETY
MARIGOLD (TAGETE)

INSTRUCTIONS - See Reverse.

NAME OF APPLICANT(S)

Joseph Harris Co., Inc.

ADDRESS (Street and No., or R.F.D. No.; City, State, and ZIP Code)

3670 Buffalo Road, Moreton Farm
Rochester, New York 14624

FOR OFFICIAL USE ONLY

PVPO NUMBER

76TQ018

VARIETY NAME OR TEMPORARY
DESIGNATION~~CABARET~~
ORANGE

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g. 089) or 08) when number is either 99 or less or 9 or less.

1. SPECIES TYPE:

1 = ERECTA (African)

2 = PATULA (French)

3 = TENUIFOLIA (Signata)

4 = LUCIDA (Sweet)

2

5 = OTHER (Specify) _____

2. PLOIDY:

3

1 = DIPLOID (n = _____)

2 = TRIPLOID (n = _____)

3 = TETRAPLOID (n = _____)

3. PLANT TYPE/HABIT:

2

1 = EXTRA DWARF (Miniature, petite) < 20 CM.

2 = DWARF 25- 35 CM.

3 = SEMIDWARF 40-55 CM.

4 = TALL > 60 CM.

2

1 = ERECT

2 = SEMIERECT

3 = DECUMBENT

1

1 = COMPACT

2 = LAX

1

Flowering:

1 = LONG SEASON

2 = SHORT SEASON

4. LEAF (Middle of first flowering branch):

2

Type:

1 = SIMPLE

2 = COMPOUND

3

Leaflet:

1 = OVATE

2 = LANCEOLATE

3 = ELLIPTIC

4 = FILIFORM

3

Margin:

1 = ENTIRE

2 = CRENATE

3 = SERRATE

4 = DENTATE

5 = INCISED

010

CM. LONG

60

MM. WIDE

1

Anthocyanin pigment in petioles:

1 = ABSENT

2 = PRESENT

1

Glands:

1 = PUNCTATE

2 = LARGE DOTS

1

Glands:

1 = BASAL

2 = APICAL

4

Odor:

1 = NONE

2 = MILD FRAGRANCE

3 = STRONG FRAGRANCE

4 = MILD "MARIGOLD"

5 = STRONG "MARIGOLD"

5. STEM:

1

1 = STRAIGHT

2 = ZIGZAG

1

1 = BRITTLE

2 = FLEXIBLE

2

Anthocyanin:

1 = ABSENT

2 = ALONG VEINS ONLY

3 = SOLID COLORATION

11½CM. FROM BASE OF STEM TO INVOLUCRE
OF TERMINAL FLOWER07CM. FROM BASE OF MAIN STEM
TO AXIL OF TOP BRANCH04½CM. FROM AXIL OF TOP BRANCH TO INVOLUCRE
OF TERMINAL FLOWER00

NO. OF INTERNODES BELOW FIRST BRANCH

06

NO. OF FIRST ORDER BRANCHES (from main stem)

6. FLOWER:

1

Type:

1 = CARNATION

2 = CHRYSANTHEMUM

3 = OTHER _____

2

1 = SINGLES

2 = DOUBLES

3

Silhouette:

1 = FLATTENED

2 = ROSETTE

3 = GLOBULAR

2

Odor:

1 = NONE

2 = MILD FRAGRANCE

3 = STRONG FRAGRANCE

4 = MILD "MARIGOLD"

5 = STRONG "MARIGOLD"

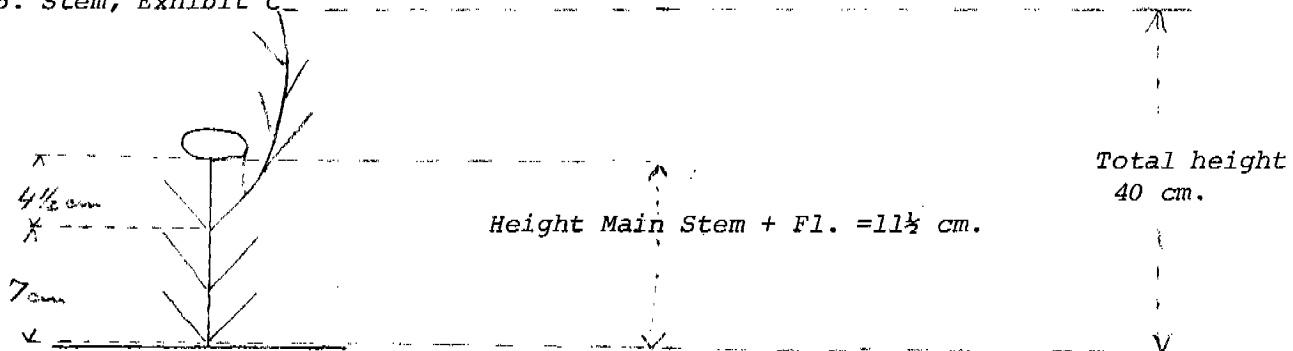
00004

76TQ018

'CABARET ORANGE'
MARIGOLD, 'GYPSY ORANGE'

This plant was sown 5/15 - 76
Measurements taken 9/2 - 76

#5. Stem, Exhibit C



'CABARET ORANGE'

'Gypsy Orange' is a multibranched French marigold, where the six first order branches are enveloping the main stem and terminal flower, thereby creating a short, bushy plant. In essence, the main stem is only adding a very few centimeters to the total height of this plant; it is the length of the side branches that are really determining the plant height.

00006

EXHIBIT D

'CABARET ORANGE'

'~~Gypsy Orange~~' is a variety unique for its earliness and abundance of flowers which is nearly comparable to the triploids. Flower size, flower shape and color are comparable to Orange Nugget.

The plant shape and size is similar to Gypsy Sunshine. Foliage color is similar to Gypsy Dancer.

EXHIBIT E

The Joseph Harris Co., Moreton Farm, Buffalo Road, Rochester, N.Y.
is the sole owner of this variety and "~~Gypsy Orange~~" will replace the
temporary designation 72MASD8D. 'CABARET ORANGE'

ASSIGNMENT

WHEREAS, Joseph Harris Company, Inc. ("Harris"), a corporation duly organized and existing under the laws of the State of Delaware is the owner of United States Plant Variety Protection Certificates listed in Exhibit A hereto; and

WHEREAS, in accordance with a Technology Transfer Agreement (the "Transfer Agreement") among Celanese Corporation ("Celanese"), Moran Seeds, Inc., Harris, CelPril Industries, Inc., Harris Moran International B.V. ("Sellers"), Virginia Chemicals, Inc., Les Produits Organiques du Santerre-Orsan S.A. ("Orsan"), HMS, CP Acquisition Inc., and Exploitatimaatschappij Wolwevershaven B.V., dated January 10, 1985, and a Purchase Agreement dated December 7, 1985, as amended, among Celanese, Sellers and Orsan, has purchased from Harris said United States Plant Variety Protection Certificates.

NOW, THEREFORE, in accordance with said Transfer Agreement and Purchase Agreement, Harris assigns to Orsan all of its rights, title and interest in and to said United States Plant Variety Protection Certificates.

Harris hereby authorizes Orsan to apply for and obtain the recordation of this Assignment. Harris agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Orsan may reasonably request in order for Orsan to obtain the full benefits of this Assignment and to permit Orsan to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, such applications, affidavits and other documents for filing in such jurisdictions as Orsan may from time to time reasonably request.

By these presents HMS does hereby accept this Assignment and authorize the recording thereof with the appropriate authorities aforesaid.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed by its proper officers thereunto duly authorized this 10th day of January, 1985.

JOSEPH HARRIS COMPANY, INC.,
Assignor

By: David A. Jenkins

David A. Jenkins
Vice President

LES PRODUITS ORGANIQUES DU
SANTERRE-ORSAN S.A.

Assignee

By: [Signature]

Title: Attorney-in-fact

STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared David Jenkins who acknowledged that he is Vice President of Joseph Harris Company, Inc., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Joseph Harris Company, Inc.

Sworn before me at New York this 10th day
of January, 1985

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 1986

STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared Patrice LeHodey who acknowledged that he is ~~Representative~~ of Les Produits Organiques du Santerre-Orsan S.A. the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Les Produits Organiques du Santerre-Orsan S.A.

Sworn before me at New York this 10th day of January, 1985.

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 1986

Exhibit A

United States Plant Variety Protection Certificates

<u>Cert. No.</u>	<u>Date Issued</u>	<u>Kind</u>	<u>Variety Name</u>	<u>Owner</u>
7200087	8/8/75	Marigold	Gypsy Sunshine	Joseph Harris Company, Inc.
7605018	9/28/77	Marigold	Cabaret Orange	Joseph Harris Company, Inc.
7800033	12/21/78	Radish	Fancy Red	Joseph Harris Company, Inc.
7800086	1/25/79	Lettuce	Deep Red	Joseph Harris Company, Inc.
8200045	9/23/82	Turnip	Royal Gem	Joseph Harris Company, Inc.
8200068	12/30/82	Egg Plant	Little Fingers	Joseph Harris Company, Inc.
8300024	12/30/83	Radish	Red King	Joseph Harris Company, Inc.